

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

KENDALL RAY WILLIAMS,

Defendant/Movant.

Cause No. CR 99-112-BLG-SPW
CV 23-119-BLG-SPW

ORDER DISMISSING § 2255
MOTION AND DENYING
CERTIFICATE OF
APPEALABILITY

On October 19, 2023, Defendant Williams moved to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. Williams is proceeding pro se.

Williams filed a § 2255 motion on December 6, 2011. (Doc. 1053). The Court denied the motion on December 9, 2011. (Doc. 1055.) Williams did not appeal.


The Court of Appeals has not authorized Williams to file a second § 2255 motion in this Court. *See* 28 U.S.C. §§ 2255(h), 2244(c). The motion must be dismissed for lack of jurisdiction. *See Burton v. Stewart*, 549 U.S. 147, 149 (2007) (per curiam).

A certificate of appealability is denied. The case is clearly controlled by *Burton. Gonzalez v. Thaler*, 565 U.S. 134, 132 S. Ct. 641, 648 (2012) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

Accordingly, IT IS ORDERED:

1. Williams' § 2255 motion (Doc. 1086) is DISMISSED for lack of jurisdiction.
2. A certificate of appealability is DENIED. The Clerk of Court shall immediately process the appeal if Williams files a Notice of Appeal.
3. The clerk shall ensure that the § 2255 motion in this case and any pending motions in CV 23-119-BLG-SPW are terminated and shall close the civil file by entering a judgment of dismissal.

DATED this 24th day of January, 2024.


Susan P. Watters
United States District Court Judge